

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 248

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission as to whether a City employee ("A") may appear before the Department of Land Utilization [DLU] of the City and County of Honolulu in order to apply for a conditional use permit.

The Commission understands the facts relative to the inquiry to be as follows:

A is an exempt employee on a councilmember's staff who would like to submit an application to the City's DLU for a conditional use permit-1 [CUP-1] in relation to land owned by A's extended family on the North Shore of Oahu. This land is not in the councilmember's district.

The CUP-1 application is for a pig farm and greenwaste processing operation on A's family's land. It is the DLU's practice to grant or deny CUP-1 approval based on the score when a departmental worksheet is used with the application.

This process insures that DLU's decision is ministerial, rather than discretionary.

The ethical question presented is whether A's appearance before the DLU in submitting the CUP-1 application would violate the City's Standards of Conduct.

The general rule in relation to A's question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(e) which states in pertinent part:

No elected or appointed officer or employee shall...appear in behalf of private interests before any agency [of the city]....

Based on the evidence presented, the Commission finds that A's appearance before the DLU in order to apply for a CUP-1 for a pig farm and greenwaste processing operation located on family-owned property situated on the North Shore will not violate the Standards of Conduct.

Dated: May 3, 1995

SAMUEL L. DOMINGO  
Chair, Ethics Commission